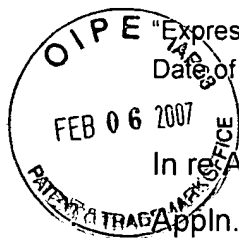


02-07-07

BAC/ITW

BRINKS
HOFFER
GILSON
& LIONE

"Express Mail" mailing label number: EV 924791802 US

Date of Deposit: February 6, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Appln. of: SATO et al.

Appln. No.: 09/802,314

Filed: March 8, 2001

For: THIN-FILM MAGNETIC HEAD
APPROPRIATELY
SUPPRESSING SIDE
FRINGING AND METHOD FOR
FABRICATING THE SAME

Examiner: Chen, T.

Art Unit: 2627

Attorney Docket No: 9281-3900 (N US00052)

Mail Stop Patent Ext.
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL

Attached are:

- ☒ Transmittal Letter (in duplicate); Request for Reconsideration of Patent Term Adjustment (in duplicate) with attached Appendix A and B.
- ☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$ _____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$ _____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$ _____ for the Petition fee is enclosed.
- ☒ Please charge Deposit Account No. 23-1925 in the amount of \$200.
- ☐ Payment by credit card in the amount of \$ _____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Date

2/6/07

Gustavo Siller, Jr. (Reg. No. 32,305)



"Express Mail" mailing label number: EV 924791802 US

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SAME

Examiner: Chen, T.

Art Unit: 2627

Attorney Docket No: 9281-3900 (N US00052)

**REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT**

Mail Stop Patent Ext
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Decision Granting Letter from the Office of Petitions indicated that the Patent Term Adjustment (PTA) for the above referenced case is 320 days. A copy of the Decision Granting Letter is attached as Exhibit A.

Applicant's Attorney believes that the patent term adjustment should be 1842 days. For the reasons stated herein, reconsideration of the patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(b). Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

The present application is not subject to a terminal disclaimer. In addition, there were no circumstances during the prosecution of the application resulting in the notice

of allowance that constitute a failure of the Applicant to engage in reasonable efforts to conclude processing or examination of the present application as set forth in 37 C.F.R. §1.704.

Period of adjustment pursuant to 37 C.F.R. § 1.703(a)(6)

The period of adjustment pursuant to 37 C.F.R. § 1.703(a)(6) is the number of days in the period beginning on the day after the date that is four months after the date the issue fee was paid and all outstanding requirements were satisfied and ending on the date a patent was issued.

The issue fee was paid and all outstanding requirements were satisfied on June 9, 2005, as shown on Public Pair PTA History, herein attached as Exhibit B. The number of days from October 9, 2005 (four months from June 9, 2005) to the date a patent issued (January 23, 2007) is 471 days.

Period of adjustment pursuant to 37 C.F.R. § 1.703(b)

The period of adjustment pursuant to 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on which the application was filed pursuant to 35 U.S.C. § 111(a) or fulfilled the requirements pursuant to 35 U.S.C. § 371.


The present application was filed on March 8, 2001. The 3 year date specified in 37 C.F.R. § 1.703(b) is March 8, 2004. The PTO issued a patent for the present application on January 23, 2007. The difference between the 3 year date and the date of issue of the patent is 1051 days.

Total Patent Term Adjustment

For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the period of adjustment pursuant to 37 C.F.R. § 1.703 reduced by any delays pursuant to 37 C.F.R. § 1.704. Thus, according to our calculations, we believe that the patent term adjustment should be at least $320 + 471 + 1051$ days = 1842 days.

It is respectfully asserted that the patent term adjustment determined by the U.S. Patent and Trademark Office for the present application may not be correct. Accordingly, Applicant's Attorney respectfully requests the U.S. Patent and Trademark Office to reconsider, and make revisions to the PAIR system Patent Term Adjustment History in view of the previous remarks. In addition, it is respectfully requested that the patent term adjustment be re-calculated by the U.S. Patent and Trademark Office in view of the above remarks. Office personnel are invited to contact the undersigned attorney for the Applicant's Attorney via telephone if such communication would be beneficial in fulfilling this request.

Respectfully submitted,

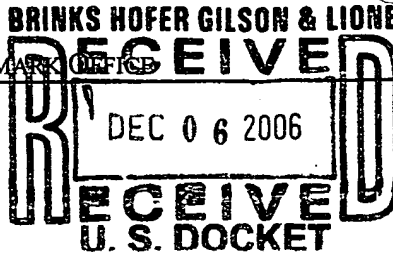


Gustavo Siller, Jr.
Registration No. 32,305
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200



UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

Brinks Hofer Gilson & Lione
PO Box 10395
Chicago, Illinois 60610

In re Application of
Sato et al.
Filed March 8, 2001
Application No. 09802,314
Attorney Docket No. 9281/3900

DECISION GRANTING LETTER

This decision is in response to Applicants' 'REQUEST FOR REVIEW OF THE PATENT TERM ADJUSTMENT' filed on May 9, 2005 requesting that the USPTO review the PTA determination at the time of the mailing of the notice of allowance.

Applicant's letter concerning PTA is **GRANTED**. The Office will adjust the PTA calculation at the time of the mailing of the notice of allowance to reflect this determination of PTA. A copy of the adjusted PTA calculation is provided with this determination. The correct amount of PTA at the time of the mailing of the decision is **320** days.

Applicant asserts that the USPTO may have granted too much PTA at the time of the notice of allowance. Applicant requests review of the PTA determination but did not provide any assert any specific reason for the discrepancy.

A review of the record reflects that applicant is correct. The Office failed to reduce applicants' PTA for two events. First, applicants filed a response to the notice to file missing parts on August 16, 2001.¹ This delay amounted to 34 days. In addition, the reply submitted was noncompliant and accordingly, applicant did not file the drawings until April 15, 2002, a 242-day delay pursuant to 37 CFR 1.704(c)(7).² Accordingly, the 66-day reduction that the Office assessed overlaps with the reduction for the two periods enumerated supra and therefore the 66-day reduction is removed. The Office properly calculated the 630-day reduction under 37 CFR 1.702(a)(1). In addition, the Office properly calculated the thirty-four day reduction under 37 CFR 1.704(b) for the reply to the final rejection. Accordingly, the correct amount of PTA is three hundred and twenty (630-242-34-34=320) days at the time of the mailing of the notice of allowance.

¹Applicant did not reply to the notice until 8/16/2001, a delay of 34 days beyond three months. It is noted that the notice to file missing parts provides a two-month reply period. However, applicants are provide three-months to reply to this notice regardless of the shortened statutory period set here.

²The reduction began the day after the initial response on 8/17/2001 and ended on the day the response was completed, April 15, 2002.

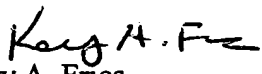
The USPTO acknowledges that any delays pursuant to 37 CFR 1.702(a)(4) and 1.702(b) will be added at the time of the issuance of the patent and will be reflected in the PTA determination provided to applicant in the issue notification letter.

After the mailing of this decision, the Office will forward this application to the Office of Publications for a prompt issuance of the patent.

If applicant believes that the Office erred in calculating the PTA for reasons other than provided in this decision, applicant may provide further clarification as to the inaccuracy of such calculation.

Because applicants were providing good faith and candor notice as to the amount of PTA, no fee is being assessed.

Any questions concerning this decision should be directed to Alesia Brown, Office of Patent Petitions at 571-272-3205.


Kery A. Fries
Senior Legal Advisor,
Office of Patent Legal Administration
Office of Deputy Commissioner
For Patent Examination Policy

cc: Adjusted PAIR calculation

Day : Thursday
Date: 11/30/2006**PALM INTRANET**

Time: 12:32:40

PTA Calculations for Application: 09/802314					
Application Filing Date:		03/08/2001	PTO Delay (PTO):		630
Issue Date of Patent:			Three Years:		0
Pre-Issue Petitions:		0	Applicant Delay (APPL):		100
Post-Issue Petitions:		0	Total PTA (days):		320
PTO Delay Adjustment:		-210			

File Contents History					
Number	Date	Contents Description	PTO	APPL	START
87	11/30/2006	ADJUSTMENT OF PTA CALCULATION BY PTO	132		
86	11/30/2006	ADJUSTMENT OF PTA CALCULATION BY PTO		276	
85	11/30/2006	ADJUSTMENT OF PTA CALCULATION BY PTO		66	
65	03/11/2005	MAIL NOTICE OF ALLOWANCE			
64	03/11/2005	MAIL FORMAL DRAWINGS REQUIRED			
63	03/07/2005	ISSUE REVISION COMPLETED			
62	03/07/2005	FORMAL DRAWINGS REQUIRED			
61	03/07/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
60	03/07/2005	NOTICE OF ALLOWABILITY			
57	02/17/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
56	02/24/2005	DATE FORWARDED TO EXAMINER			
55	02/17/2005	AMENDMENT AFTER FINAL REJECTION			
53	02/17/2005	WORKFLOW INCOMING AMENDMENT IFW			
52	10/29/2004	REFERENCE CAPTURE ON IDS			
51	10/29/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
50	12/15/2004	DATE FORWARDED TO EXAMINER			
49	11/05/2004	AMENDMENT AFTER FINAL REJECTION		34	38
48	11/05/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
47	12/13/2004	MAIL FINAL REJECTION (PTOL - 326)			
46	12/11/2004	FINAL REJECTION			
45	11/05/2004	WORKFLOW INCOMING AMENDMENT IFW			
44	10/12/2004	MAIL ADVISORY ACTION (PTOL - 303)			
43	10/07/2004	ADVISORY ACTION (PTOL-303)			

42	10/05/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
41	10/05/2004	DATE FORWARDED TO EXAMINER			
40	08/27/2004	AMENDMENT AFTER FINAL REJECTION			
39	08/27/2004	WORKFLOW INCOMING AMENDMENT IFW			
38	07/02/2004	MAIL FINAL REJECTION (PTOL - 326)			
37	06/28/2004	FINAL REJECTION			
36	05/28/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	34
35	06/09/2004	DATE FORWARDED TO EXAMINER			
34	05/28/2004	RESPONSE AFTER NON-FINAL ACTION			
33	05/28/2004	WORKFLOW INCOMING AMENDMENT IFW			
32	03/15/2004	MAIL NON-FINAL REJECTION			
31	03/11/2004	NON-FINAL REJECTION			
30	03/08/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
29	09/17/2001	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
28	02/24/2004	DATE FORWARDED TO EXAMINER			
27	02/20/2004	RESPONSE TO ELECTION / RESTRICTION FILED			
26	02/12/2004	APPLICATION DISPATCHED FROM OIPE			
25	02/12/2004	APPLICATION IS NOW COMPLETE			
24	09/17/2001	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM		66	5
23	09/17/2001	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
22	01/28/2004	MAIL RESTRICTION REQUIREMENT	630		-1
21	01/23/2004	REQUIREMENT FOR RESTRICTION / ELECTION			
20	12/23/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	07/24/2003	MISCELLANEOUS INCOMING LETTER			
18	11/26/2003	CASE DOCKETED TO EXAMINER IN GAU			
17	11/26/2003	DISPATCH FROM OIPE TO CORPS - U-P-R-D APPLICATION			
16	09/17/2001	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
15	09/17/2001	SUBSTITUTE SPECIFICATION FILED			
14	07/23/2003	PETITION DECISION - GRANTED			
13	03/24/2003	PETITION ENTERED			

12	05/21/2003	PETITION DECISION - GRANTED			
11	05/21/2003	PETITION DECISION - DISMISSED			
10	02/14/2002	PETITION ENTERED			
9	02/14/2002	PETITION ENTERED			
8	10/10/2001	PETITION DECISION - DISMISSED			
7	08/16/2001	PETITION ENTERED			
5	04/13/2001	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
4	04/13/2001	CORRESPONDENCE ADDRESS CHANGE			
3	04/13/2001	CORRESPONDENCE ADDRESS CHANGE			
2	03/26/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	03/08/2001	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

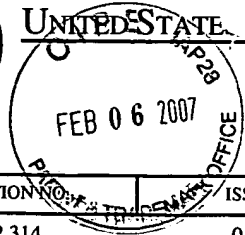
EXPLANATION OF PTE CALCULATION

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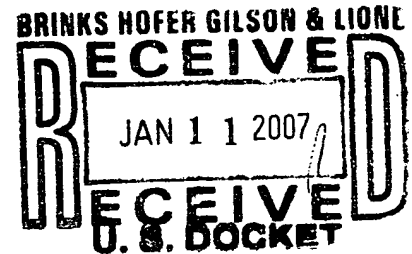
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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,314	01/23/2007	7167340	9281/3900	5260

757 7590 01/03/2007
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610



ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 543 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Kiyoshi Sato, Niigata-ken, JAPAN;
Toshinori Watanabe, Niigata-ken, JAPAN;
Hideki Gochou, Niigata-ken, JAPAN;
Kiyoshi Kobayashi, Niigata-ken, JAPAN;
Toru Takahashi, Niigata-ken, JAPAN;
Hisayuki Yazawa, Niigata-ken, JAPAN;
Masaki Ikegami, Niigata-ken, JAPAN, Deceased;
Hiromi Ikegami, Niigata-ken, JAPAN, Legal Representative;
Chiaki Ikegami, Niigata-ken, JAPAN, Legal Representative;